

SENATE NO. 1097

AN ACT TO ENSURE FAIRNESS IN THE DISABILITY ADJUDICATION PROCESS

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Section 14 of Chapter 152 of the General Laws is hereby amended by inserting
2 after subsection (1)(b) the following additional new paragraph:
3 For the purposes of this section, if an insurer contests the total permanent disability of an
4 employee after that decision has been fully and finally adjudicated in favor of the employee,
5 without either evidence of improvement in the condition of the employee, evidence that the
6 employee has been working or otherwise behaving in a manner inconsistent with a total and
7 permanent disability, or evidence of a significant advancement in medical science that has a
8 substantial likelihood of affecting the total and permanent disability of the employee, more than
9 once in any five-year period, that contest shall be considered an action not based on reasonable
10 grounds.